HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No. 16256 of 2007

Date 31-7-2007

Between:
Kurumurthy

.....
PETITIONER

AND

The Conservator of Forests,
Hyderabad Circle, Hyderabad and
others. .....RESPONDENTS

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.16256 of 2007

ORDER: (per Smt. T.Meena Kumari,J)

The petitioner filed the present writ petition seeking a writ of Certiorari to call for the records relating to and connected with the order dated 13.4.2007 in O.A. No. 298 of 2006 on the file of the A.P. Administrative Tribunal, Hyderabad and to quash the same.

The brief facts of the case are that the petitioner herein was initially appointed as Forest Beat Officer on 3.12.1981 and subsequently promoted as Forest Section Officer and thereafter as Deputy Forest Range Officer. Assailing the promotion of the petitioner herein, the 6th respondent herein filed O.A. No. 298 of 2006, impugned in this writ petition, before the Tribunal. The Tribunal, by the order impugned in this writ petition dated 13.4.2007 directed the respondent-authorities to consider the case of the applicant for promotion as Deputy Range Officer from the date on which the petitioner was promoted. Aggrieved by the said order, the petitioner filed the present writ petition.

Learned counsel for the petitioner would submit that the Tribunal failed to appreciate that the promotion of the 6th respondent as Forester with effect from 1994 was illegal in view of the fact that the relaxation in educational qualification was not granted by that time. He further submits that if the impugned order of the Tribunal is implemented, serious prejudice would be caused to him. He, therefore, prayed that the writ petition be allowed and the impugned order be set aside.

Before the Tribunal, the Department filed counter affidavit

contending that the 6th respondent was promoted as Forest Section Officer consequent to the direction of the Tribunal in O.A. No. 1568 of 1997, dated 12.3.2003. Further, as per the entries in the S.R. of the applicant, the educational qualification of the 6th respondent is noted as "10th failed" and as such he is not eligible for promotion from the feeder category of Forest Beat Officer to Forest Section Officer since the qualification for the such promotion is a pass in S.S.C. However, the promotion of the 6th respondent was effected when the qualification for promotion for Forest Beat Officer to Forest Section Officer was not relaxed.

The Tribunal having heard the learned counsel for the parties and having perused its own orders passed in an earlier O.A. No. 1568 of 1997, dated 12.3.2003, found that the 6th respondent herein was promoted as forest Section Officer on 12.3.2003 and that the said order has become final. Further on a perusal of the seniority list issued by the 3rd respondent, the Tribunal found that the 6th respondent has been shown as senior to the petitioner herein. The Tribunal also found that subsequently, the Government issued memo dated 5.12.2006 relaxing the minimum educational qualification for promotion to the post of forest Section Officers who were in service as on 4.12.1986 and by virtue of the said memo, the 6th respondent is entitled for promotion as Deputy Range Officer from the date on which his juniors were promoted.

Admittedly, the Government issued the aforesaid Memo No. 10826/For.V/2006-1, dated 5.12.2006, according to which, the minimum educational qualification shall not however apply for the promotion of the Forest Beat Officers who were in service as on 4.12.1986 (i.e. from the date of issue of G.O. Ms. No.497, dated 4.12.1986). Hence, the Forest Beat Officers who were in service as on 4.12.1986 are eligible even for further promotions such as Forest Section Officers, Deputy Range Officers etc., without possessing the minimum general educational qualification. However, the minimum general educational qualification will apply to the

candidates who are appointed subsequently under revised service rules issued in G.O. Ms. No.88, dated 19.7.2000.

Therefore, as per the Memo of the Government dated 5.12.2006, the minimum educational qualification shall not apply for the promotion of Forest Beat Officers who were in service as on 4.12.1986, i.e., from the date of issuance of G.O. Ms.No.487, dated 4.12.1986 to the post of Forest Section Officer and it will not apply to the Forest Section Officers as well as Deputy Range Officers, who were in service as on 4.12.1986. Since, in the instant case, the 6th respondent who has been working as Forest Beat Officer even prior to 4.12.1986, is entitled for promotion to the post of Forest Section Officer or Deputy Range Officer.

The Tribunal, therefore, keeping in view the aforesaid memo dated 5.12.2006 issued by the Government, held that the 6th respondent herein is entitled to be considered for promotion to the post of Deputy Range Officer. Accordingly, it disposed of the said O.A. with a direction to the authorities to consider the case of the 6th respondent for promotion as Deputy Range Officer from the date on which the juniors of the 6th respondent were promoted.

We, therefore, do not find any illegality and irregularity in the order of the Tribunal warranting interference. The writ petition fails and the same is accordingly dismissed. No costs.

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(T. MEENA KUMARI,J)

Date: 31st July, 2007

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(G. CHANDRAIAH,J)

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